

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE

A. Pheonix Dancer vs. AmerenUE

Volume 1

Case No. EC-2004-0578

TRANSCRIPT OF PROCEEDINGS

September 7, 2004

FILED²

OCT 05 2004

Missouri Public
Service Commission

ORIGINAL

FILED

OCT 4 2004

Missouri
Public Service Commission

MIDWEST LITIGATION SERVICES

"From Discovery to Trial"

● Jefferson City, MO

Headquarters

● Springfield, MO

● Rolla, MO

711 North 11th Street
St. Louis, Missouri 63101

● Kansas City, MO

● Columbia, MO

● Edwardsville, IL

Nationwide Scheduling

1.800.280.3376

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

PREHEARING CONFERENCE

September 7, 2004
Jefferson City, Missouri
Volume 1

A. Pheonix Dancer,)	
)	
Complainant,)	
)	
vs.)	Case No. EC-2004-0578
)	
AmerenUE,)	
)	
Respondent.)	

KEVIN A. THOMPSON, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:
STEPHANIE L. KURTZ MORGAN, RPR, CCR
MIDWEST LITIGATION SERVICES

APPEARANCES:

A. PHEONIX DANCER (VIA TELEPHONE)
4324 Hartford, Apartment 1F
St. Louis, Missouri 63116

FOR: Complainant.

THOMAS BYRNE, Attorney at Law (VIA TELEPHONE)
1901 Chouteau Avenue
P. O. Box 66149
St. Louis, Missouri 63103
(314) 554-2237

FOR: Union Electric Company, d/b/a AmerenUE.

STEVEN DOTTHEIM, Chief Deputy General Counsel
200 Madison Street
P. O. Box 360
Jefferson City, Missouri 65102
(573) 751-3234

FOR: Staff of the Missouri Public Service
Commission.

1 P R O C E E D I N G S

2 JUDGE THOMPSON: We'll go ahead and go on the
3 record now.

4 Good morning, Ladies and Gentlemen. My name is
5 Kevin Thompson. I'm the Regulatory Law Judge assigned to
6 preside over this matter, which is A. Pheonix Dancer versus
7 AmerenUE, Case No. EC-2004-0578.

8 What we usually do at this point is have everyone
9 enter their appearance orally. So, Ms. Dancer, if you would
10 go ahead and go first; you're the Complainant. Just state
11 your name and address for the court reporter, please.

12 MS. DANCER: Thank you.

13 My name is initial, A. Pheonix, P-H-E-O-N-I-X,
14 Dancer. My address is 4324 Hartford, Apartment 1F, as in
15 Frank, St. Louis, Missouri 63116.

16 JUDGE THOMPSON: Thank you.

17 Mr. Byrne?

18 MR. BYRNE: Yes, Your Honor. My name is Tom Byrne.
19 I'm representing Union Electric Company in this matter, and my
20 address is 1901 Chouteau Avenue, St. Louis, Missouri 63103.

21 JUDGE THOMPSON: Very well. Thank you.

22 Let the record reflect that neither the Staff nor
23 the Public Counsel is represented by counsel.

24 The purpose of a prehearing conference, such as
25 this one, is primarily for scheduling. It's an opportunity

1 for the parties to compare their calendars and decide when a
2 convenient time would be for the other procedural events that
3 are going to occur in the case.

4 Normally in cases before the PSC we have prefiled
5 testimony; however, in this case we will not. We will just go
6 ahead and have live testimony. So the only thing you need to
7 do is to pick a hearing date.

8 Now, Ms. Dancer may want to subpoena witnesses in
9 order to compel their appearance, and so you should leave a
10 suitable interval for that to occur, all right?

11 MS. DANCER: Okay. How do I subpoena witnesses?

12 JUDGE THOMPSON: You write to the Commission and
13 ask for subpoenas. I sign them and send them to you. You
14 fill in the name and address of the people you want to
15 subpoena, and then you have the sub-- the subpoena served;
16 that is, you have a person of legal age, not yourself, hand
17 them to the -- to the individual, or do one of the several
18 other things that you can do in order to accomplish service.

19 And then they -- they are legally bound to appear.
20 And if they don't, they can actually be held in contempt --
21 bad, bad things can happen to them then, okay?

22 MS. DANCER: Okay. Thank you, sir.

23 Run through that one more time just briefly.

24 JUDGE THOMPSON: Sure.

25 Let's say there's someone you -- you want to have

1 them appear, okay?

2 MS. DANCER: Yes, sir.

3 JUDGE THOMPSON: I don't know. Somebody not
4 connected with the case, other than they know some facts that
5 you believe will be useful for your presentation, right?

6 MS. DANCER: Yes, sir.

7 JUDGE THOMPSON: So you write to the Commission and
8 ask for subpoe-- some subpoena forms as -- as many as you
9 want. We will sign them and mail them back to you in blank,
10 meaning that you go ahead and fill in the name and address of
11 the person you're going to serve it on, right?

12 MS. DANCER: Yes, sir.

13 JUDGE THOMPSON: Okay. Then once you've done that,
14 you have to have a person other than yourself serve them,
15 okay?

16 MS. DANCER: Okay.

17 JUDGE THOMPSON: It doesn't have to be a sheriff's
18 deputy or any one official. It just has to be someone who's
19 18 years of age or older who will serve the subpoena, and then
20 in front of a notary will execute what's called the return of
21 service, which is a little thing on the back of the subpoena
22 that says how it was served and the date and the time, okay?

23 MS. DANCER: And who's -- and who has to appear in
24 front of the notary, the person who serves them?

25 JUDGE THOMPSON: The person who's doing the

1 serving, right -- the person who does the serving.

2 MS. DANCER: Okay. .

3 JUDGE THOMPSON: Okay. And because the hearing is
4 out of the county where the witnesses are, you'll also have to
5 tender appearance and mileage fees, which are trifling
6 amounts, but the subpoena is not valid unless you tender the
7 fees.

8 If you ask for any subpoenas, we'll supply the
9 information on -- on how to calculate the fees with the
10 subpoenas, okay?

11 MS. DANCER: Ask for information on how to
12 calculate fees when I ask for the subpoenas?

13 JUDGE THOMPSON: Yeah. It -- exactly. Right.

14 MS. DANCER: Okay.

15 JUDGE THOMPSON: We'll -- we'll see that you get
16 that.

17 MS. DANCER: Yes, sir.

18 JUDGE THOMPSON: Okay.

19 MS. DANCER: Thank you. Thank you.

20 JUDGE THOMPSON: So I -- I didn't bring -- I didn't
21 bring a printout of the calendar down, I'm afraid, so I don't
22 know when to tell you is a good date.

23 If you want to hang on a minute, I can run upstairs
24 and get one.

25 MS. DANCER: Okay.

1 MR. BYRNE: That'd be good.

2 JUDGE THOMPSON: Okay. We'll go off the record for
3 a moment.

4 (A RECESS WAS TAKEN.)

5 JUDGE THOMPSON: Okay. We can go back on the
6 record now.

7 And I see that Staff is with us. Mr. Dottheim, why
8 don't you go ahead and make your entry.

9 MR. DOTTHEIM: Yes. Judge, I apologize for not
10 being --

11 JUDGE THOMPSON: That's quite --

12 MR. DOTTHEIM: -- here earlier.

13 JUDGE THOMPSON: -- all right.

14 MR. DOTTHEIM: Steven Dottheim, Post Office
15 Box 360, Jefferson City, Missouri 65102, appearing on behalf
16 of the Staff of the Missouri Public Service Commission.

17 JUDGE THOMPSON: I'm glad you're here, because that
18 way I can leave and the parties can -- can do the calendaring
19 part without me. I did print out the next -- this month
20 through December the hearing calendar so you can see when the
21 free dates are.

22 Before I go, do any of the parties have anything to
23 bring to my attention at this time?

24 MS. DANCER: Yes, sir. I was unable to hear the
25 gentleman that just joined us.

1 JUDGE THOMPSON: Okay. Steve Dottheim, an attorney
2 with the Public Service Commission, who is representing the
3 Staff of the Commission.

4 MS. DANCER: Okay. And how do you spell his name,
5 please?

6 JUDGE THOMPSON: D-O-T-T-H-E-I-M.

7 MS. DANCER: Thank you very much.

8 JUDGE THOMPSON: You didn't think I knew how to
9 spell it, did you?

10 MR. DOTTHEIM: Oh, I thought you did.

11 JUDGE THOMPSON: I can assure you after immersing
12 myself in the MetroEast Transfer case, I have seen your name
13 frequently.

14 Okay. At this time we will adjourn the recorded
15 portion of the prehearing conference.

16 WHEREUPON, the on-the-record portion of the
17 prehearing conference was concluded.

18

19

20

21

22

23

24

25

TRANSCRIPT OF PROCEEDINGS 9/7/2004

<p align="center">A</p> <p>a 1:14,20 2:2 3:6,13 3:24 4:1,7,9,16 5:14,17,20,21 6:21,22,23 7:3,4 accomplish 4:18 actually 4:20 address 3:11,14,20 4:14 5:10 adjourn 8:14 afraid 6:21 after 8:11 age 4:16 5:19 ahead 3:2,10 4:6 5:10 7:8 all 4:10 7:13 also 6:4 AmerenUE 1:17 2:8 3:7 amounts 6:6 an 3:25 8:1 and 3:2,4,10,11,19 4:1,6,9,12,13,14 4:15,19,20 5:7,9 5:10,10,19,22,22 5:23,23 6:3,5,24 7:7,8,18 8:4 any 5:18 6:8 7:22 anything 7:22 Apartment 2:3 3:14 apologize 7:9 appear 4:19 5:1,23 appearance 3:9 4:9 6:5 APPEARANCES 2:1 appearing 7:15 are 4:3,19 6:4,5 7:21 as 3:14,24 5:8,8,8 ask 4:13 5:8 6:8,11 6:12 assigned 3:5 assure 8:11 at 2:5 3:8 7:23 8:14 attention 7:23 attorney 2:5 8:1 Avenue 2:6 3:20</p>	<p>being 7:10 believe 5:5 blank 5:9 bound 4:19 Box 2:6,10 7:15 briefly 4:23 bring 6:20,21 7:23 but 6:6 by 1:22 3:23 Byrne 2:5 3:17,18 3:18 7:1</p> <p align="center">C</p> <p>C 3:1 calculate 6:9,12 calendar 6:21 7:20 calendaring 7:18 calendars 4:1 called 5:20 can 4:18,20,21 6:23 7:5,18,18,18,20 8:11 case 1:16 3:7 4:3,5 5:4 8:12 cases 4:4 CCR 1:23 Chief 1:20 2:9 Chouteau 2:6 3:20 City 1:11 2:11 7:15 Commission 1:2 2:13 4:12 5:7 7:16 8:2,3 Company 2:8 3:19 compare 4:1 compel 4:9 Complainant 1:15 2:4 3:10 concluded 8:17 conference 1:8 3:24 8:15,17 connected 5:4 contempt 4:20 convenient 4:2 counsel 2:9 3:23,23 county 6:4 court 3:11</p>	<p>decide 4:1 deputy 1:20 2:9 5:18 did 7:19 8:9,10 didn't 6:20,20 8:8 do 3:8 4:7,11,17,18 7:18,22 8:4 does 6:1 doesn't 5:17 doing 5:25 done 5:13 don't 4:20 5:3 6:21 7:8 Dottheim 2:9 7:7,9 7:12,14,14 8:1,10 down 6:21 D-O-T-T-H-E-I-M 8:6 d/b/a 2:8</p>	<p align="center">E</p> <p>E 3:1,1 earlier 7:12 EC-2004-0578 1:16 3:7 Electric 2:8 3:19 enter 3:9 entry 7:8 events 4:2 everyone 3:8 exactly 6:13 execute 5:20</p>	<p align="center">F</p> <p>facts 5:4 fees 6:5,7,9,12 fill 4:14 5:10 first 3:10 for 2:4,8,12 3:11,25 4:1,2,10,13 5:5,8 6:8,11,12 7:2,9 forms 5:8 Frank 3:15 free 7:21 frequently 8:13 front 5:20,24</p>	<p align="center">G</p> <p>G 3:1 General 2:9 gentleman 7:25 Gentlemen 3:4 get 6:15,24 glad 7:17 go 3:2,2,10,10 4:5 5:10 7:2,5,8,22 going 4:3 5:11 good 3:4 6:22 7:1</p>	<p align="center">H</p> <p>hand 4:16 hang 6:23 happen 4:21 Hartford 2:3 3:14 has 5:18,23 have 3:8 4:4,6,15 4:16,25 5:14,14 5:17 6:4 7:22 8:12 hear 7:24 hearing 4:7 6:3 7:20 held 4:20 here 7:12,17 his 8:4 Honor 3:18 how 4:11 5:22 6:9 6:11 8:4,8 however 4:5</p>	<p align="center">I</p> <p>I 3:1 4:11,13 5:3 6:12,20,20,20,21 6:23 7:7,9,18,19 7:22,24 8:8,10,11 8:12 if 3:9 4:20 6:8,23 immersing 8:11 in 3:14,19 4:3,4,5,8 4:14,18,20 5:9,10 5:20,23 8:12 individual 4:17 information 6:9,11 initial 3:13 interval 4:10 is 3:4,6,8,13,14,18 3:20,23,25 4:7,16 5:21 6:3,6,22 7:7 8:2 it 5:11,17,18,22 6:13 8:9 It's 3:25 I'm 3:5,19 6:21 7:17</p>	<p align="center">J</p> <p>Jefferson 1:11 2:11 7:15 joined 7:25 Judge 1:20 3:2,5,16 3:21 4:12,24 5:3 5:7,13,17,25 6:3 6:13,15,18,20 7:2 7:5,9,11,13,17 8:1 8:6,8,11 just 3:10 4:5,23</p>	<p>5:18 7:25</p> <p align="center">K</p> <p>Kevin 1:20 3:5 knew 8:8 know 5:3,4 6:22 KURTZ 1:23</p>	<p align="center">L</p> <p>L 1:23 Ladies 3:4 Law 1:20 2:5 3:5 leave 4:9 7:18 legal 4:16 legally 4:19 Let 3:22 Let's 4:25 LITIGATION 1:24 little 5:21 live 4:6 Louis 2:3,7 3:15,20</p>	<p align="center">M</p> <p>Madison 2:10 mail 5:9 make 7:8 many 5:8 matter 3:6,19 may 4:8 me 7:19 meaning 5:10 MetroEast 8:12 MIDWEST 1:24 mileage 6:5 minute 6:23 Missouri 1:1,11 2:3 2:7,11,12 3:15,20 7:15,16 moment 7:3 month 7:19 more 4:23 MORGAN 1:23 morning 3:4 Mr 3:17,18 7:1,7,9 7:12,14 8:10 Ms 3:9,12 4:8,11,22 5:2,6,12,16,23 6:2 6:11,14,17,19,25 7:24 8:4,7 much 8:7 my 3:4,13,14,18,19 7:23 myself 8:12</p>	<p align="center">N</p> <p>N 3:1 name 3:4,11,13,18 4:14 5:10 8:4,12</p>
--	---	---	--	---	--	--	---	---	---	--	--	--

MIDWEST LITIGATION SERVICES

www.midwestlitigation.com

Phone: 1.800.280.DEPO(3376)

Fax: 314.644.1334

TRANSCRIPT OF PROCEEDINGS 9/7/2004

<p>need 4:6 neither 3:22 next 7:19 No 1:16 3:7 nor 3:22 Normally 4:4 not 4:5,16 5:3 6:6 7:9 notary 5:20,24 now 3:3 4:8 7:6</p> <hr/> <p align="center">O</p> <hr/> <p>O 2:6,10 3:1 occur 4:3,10 of 1:1,6 2:12 3:24 4:14,16,17 5:10 5:19,20,20,21,24 6:4,21 7:16,16,22 8:3,15,16 off 7:2 Office 7:14 official 5:18 Oh 8:10 okay 4:11,21,22 5:1 5:13,15,16,22 6:2 6:3,10,14,18,25 7:2,5 8:1,4,14 older 5:19 on 3:2 5:11,21 6:9,9 6:11,23 7:5,15 once 5:13 one 3:25 4:17,23 5:18 6:24 only 4:6 on-the-record 8:16 opportunity 3:25 or 4:17 5:18,19 orally 3:9 order 4:9,18 other 4:2,18 5:4,14 out 6:4 7:19 over 3:6</p> <hr/> <p align="center">P</p> <hr/> <p>P 2:6,10 3:1 part 7:19 parties 4:1 7:18,22 people 4:14 person 4:16 5:11,14 5:24,25 6:1 Phoenix 1:14 2:2 3:6,13 pick 4:7 please 3:11 8:5 point 3:8 portion 8:15,16 Post 7:14 prefiled 4:4</p>	<p>prehearing 1:8 3:24 8:15,17 presentation 5:5 preside 3:6 Presiding 1:20 primarily 3:25 print 7:19 printout 6:21 procedural 4:2 PROCEEDINGS 1:6 PSC 4:4 Public 1:2 2:12 3:23 7:16 8:2 purpose 3:24 P-H-E-O-N-I-X 3:13</p> <hr/> <p align="center">Q</p> <hr/> <p>quite 7:11</p> <hr/> <p align="center">R</p> <hr/> <p>R 3:1 RECESS 7:4 record 3:3,22 7:2,6 recorded 8:14 reflect 3:22 Regulatory 1:20 3:5 REPORTED 1:22 reporter 3:11 represented 3:23 representing 3:19 8:2 Respondent 1:18 return 5:20 right 4:10 5:5,11 6:1,13 7:13 RPR 1:23 run 4:23 6:23</p> <hr/> <p align="center">S</p> <hr/> <p>S 3:1 say 4:25 says 5:22 scheduling 3:25 see 6:15 7:7,20 seen 8:12 send 4:13 September 1:10 serve 5:11,14,19 served 4:15 5:22 serves 5:24 service 1:2 2:12 4:18 5:21 7:16 8:2 SERVICES 1:24 serving 6:1,1</p>	<p>several 4:17 sheriff's 5:17 should 4:9 sign 4:13 5:9 sir 4:22 5:2,6,12 6:17 7:24 so 3:9 4:6,9 5:7 6:20 6:21 7:20 some 5:4,8 Somebody 5:3 someone 4:25 5:18 spell 8:4,9 St 2:3,7 3:15,20 Staff 2:12 3:22 7:7 7:16 8:3 state 1:1 3:10 STEPHANIE 1:23 Steve 8:1 Steven 2:9 7:14 Street 2:10 sub 4:15 subpoe 5:8 subpoena 4:8,11,15 4:15 5:8,19,21 6:6 subpoenas 4:13 6:8 6:10,12 such 3:24 suitable 4:10 supply 6:8 Sure 4:24</p> <hr/> <p align="center">T</p> <hr/> <p>TAKEN 7:4 TELEPHONE 2:2 2:5 tell 6:22 tender 6:5,6 testimony 4:5,6 than 5:4,14 Thank 3:12,16,21 4:22 6:19,19 8:7 that 3:22 4:2,10,16 4:18,23 5:4,10,13 5:22 6:15,16 7:7 7:17,25 That'd 7:1 That's 7:11 the 2:12 3:2,5,10,11 3:22,22,23,24 4:1 4:2,3,4,6,12,14,14 4:15,15,17,17,17 5:4,7,10,11,19,20 5:21,21,22,22,24 5:24,25,25 6:1,1,3 6:4,4,6,6,8,9,9,12 6:21 7:2,5,16,16 7:18,18,19,20,20</p>	<p>7:22,24 8:2,2,3,12 8:14,15,16,16 their 3:9 4:1,9 them 4:13,13,17,21 5:1,9,9,14,24 then 4:15,19,21 5:13,19 there's 4:25 they 4:19,19,20,20 5:4 thing 4:6 5:21 things 4:18,21 think 8:8 this 3:6,8,19,25 4:5 7:19,23 8:14 THOMAS 2:5 Thompson 1:20 3:2 3:5,16,21 4:12,24 5:3,7,13,17,25 6:3 6:13,15,18,20 7:2 7:5,11,13,17 8:1,6 8:8,11 thought 8:10 through 4:23 7:20 time 4:2,23 5:22 7:23 8:14 to 3:5 4:1,3,6,7,8,9 4:10,12,13,14,17 4:17,18,19,21,25 5:7,9,11,14,17,18 5:23 6:4,9,11,22 6:23 7:22,23,24 8:8 Tom 3:18 TRANSCRIPT 1:6 Transfer 8:12 trifling 6:5</p> <hr/> <p align="center">U</p> <hr/> <p>unable 7:24 Union 2:8 3:19 unless 6:6 upstairs 6:23 us 7:7,25 useful 5:5 usually 3:8</p> <hr/> <p align="center">V</p> <hr/> <p>valid 6:6 versus 3:6 very 3:21 8:7 VIA 2:2,5 Volume 1:12 vs 1:16</p> <hr/> <p align="center">W</p> <hr/> <p>want 4:8,14,25 5:9 6:23</p>	<p>was 5:22 7:4,24 8:17 way 7:18 we 3:8 4:4,5,5 5:9 7:5 8:14 well 3:21 we'll 3:2 6:8,15,15 7:2 What 3:8 what's 5:20 when 4:1 6:12,22 7:20 where 6:4 WHEREUPON 8:16 which 3:6 5:21 6:5 who 5:19,23,24 6:1 8:2 who's 5:18,23,25 why 7:7 will 4:5,5 5:5,9,19 5:20 8:14 with 5:4 6:9 7:7 8:2 without 7:19 witnesses 4:8,11 6:4 would 3:9 4:2 write 4:12 5:7</p> <hr/> <p align="center">Y</p> <hr/> <p>Yeah 6:13 years 5:19 Yes 3:18 5:2,6,12 6:17 7:9,24 you 3:9,12,16,21 4:6,9,12,13,13,14 4:15,16,18,22,25 4:25 5:5,7,8,9,10 5:14 6:6,8,15,19 6:19,22,23 7:8,20 8:4,7,8,9,10,11 your 3:11,18 5:5 7:8 8:12 yourself 4:16 5:14 you'll 6:4 you're 3:10 5:11 7:17 you've 5:13</p> <hr/> <p align="center">1</p> <hr/> <p>1 1:12 1F 2:3 3:14 18 5:19 1901 2:6 3:20</p> <hr/> <p align="center">2</p> <hr/> <p>200 2:10 2004 1:10</p>
---	--	--	---	---

TRANSCRIPT OF PROCEEDINGS 9/7/2004

3				
314 2:7				
360 2:10 7:15				
4				
4324 2:3 3:14				
5				
554-2237 2:7				
573 2:11				
6				
63103 2:7 3:20				
63116 2:3 3:15				
65102 2:11 7:15				
66149 2:6				
7				
7 1:10				
751-3234 2:11				